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KAREN WEBB

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION**

KAREN WEBB,)	Case No.: <u>'13CV0285 GPC KSC</u>
)	
Plaintiff,)	COMPLAINT
)	
v.)	(Unlawful Debt Collection Practices)
)	
ADMIN RECOVERY, LLC.)	
)	
Defendant.)	
)	
)	
)	

VERIFIED COMPLAINT

KAREN WEBB (Plaintiff), by attorneys, KROHN & MOSS, LTD., alleges the following
against ADMIN RECOVERY, LLC. (Defendant):

INTRODUCTION

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).
2. Count II of the Plaintiff's Complaint is based on Rosenthal Fair Debt Collection Practices Act, *Cal. Civ. Code §1788 et seq.* (RFDCPA).

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court

1 without regard to the amount in controversy,” and 28 *U.S.C. 1367* grants this court
2 supplemental jurisdiction over the state claims contained therein.

3 4. Defendant conducts business in the State of California, and therefore, personal
4 jurisdiction is established.

5 5. Venue is proper pursuant to 28 *U.S.C. 1391(b)(2)*.

6 **PARTIES**

7 6. Plaintiff is a natural person residing in El Cajon, San Diego County, California.

8 7. Plaintiff is a consumer as that term is defined by 15 *U.S.C. 1692a(3)*, and according to
9 Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 *U.S.C. 1692a(5)*
10 and *Cal. Civ. Code § 1788.2(h)*.

11 8. Defendant is a debt collector as that term is defined by 15 *U.S.C. 1692a(6)* and *Cal. Civ.*
12 *Code §1788.2(c)*, and sought to collect a consumer debt from Plaintiff.

13 9. Defendant is a national company with offices in Clarence, New York.

14 **FACTUAL ALLEGATIONS**

15 10. In or around November of 2012, Defendant placed at least one collection call to Plaintiff
16 seeking and demanding payment for a debt.

17 11. Plaintiff’s alleged debt owed arises from transactions for personal, family, and household
18 purposes.

19 12. Defendant called Plaintiff’s telephone number at 619-504-44XX.

20 13. In or around November of 2012, Defendant called Plaintiff and left a voicemail message
21 on Plaintiff’s answering machine. *See Exhibit A.*

22 14. In the voicemail message, Defendant’s representative, “Joe” failed to meaningfully
23 disclose the company’s name or the nature of the call or state that the call was from a
24 debt collector. *See Exhibit A.*

25 15. In the voicemail message, Defendant’s representative, “Joe”, directed Plaintiff to call

1 him back at 1-855-282-7283, which is a number that belongs to Defendant. *See* Exhibit
2 A.

3 16. Defendant is using false, deceptive and misleading means in connection with attempting
4 to collect a debt by not identifying the purpose of its phone calls or that they are an
5 attempt to collect a debt.

6 **COUNT I**
7 **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

8 17. Defendant violated the FDCPA based on the following:

- 9 a. Defendant violated §1692d(6) of the FDCPA by placing telephone calls without
10 meaningful disclosure of the caller's identity because Defendant did not provide
11 the identity of the caller or the nature of the debt.
- 12 b. Defendant violated §1692e of the FDCPA by using false, deceptive or misleading
13 representation with the collection of the debt.
- 14 c. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an
15 attempt to collect a debt.
- 16 d. Defendant violated § 1692e(11) of the FDCPA by failing to disclose that the call
17 was from a debt collector.

18 WHEREFORE, Plaintiff, KAREN WEBB, respectfully requests judgment be entered against
19 Defendant, ADMIN RECOVERY, LLC. for the following:

20 18. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, 15
21 *U.S.C. 1692k*,

22 19. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act,
23 *15 U.S.C. 1692k*

24 20. Any other relief that this Honorable Court deems appropriate.

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COUNT II
DEFENDANT VIOLATED THE ROSENTHAL FAIR DEBT COLLECTION
PRACTICES ACT

21. Plaintiff repeats and realleges all of the allegations in Count I of Plaintiff's Complaint as the allegations in Count II of Plaintiff's Complaint.

22. Defendant violated the RFDCPA based on the following:

- a. Defendant violated the §1788.17 of the RFDCPA by continuously failing to comply with the statutory regulations contained within the FDCPA, 15 U.S.C. § 1692 *et seq.* to wit: Section 1692d and 1692e.

WHEREFORE, Plaintiff, KAREN WEBB, respectfully requests judgment be entered against Defendant, ADMIN RECOVERY, LLC. for the following:

23. Statutory damages of \$1000.00 pursuant to the Rosenthal Fair Debt Collection Practices Act, *Cal. Civ. Code §1788.30(b)*,

24. Costs and reasonable attorneys' fees pursuant to the Rosenthal Fair Debt Collection Practices Act, *Cal. Civ Code § 1788.30(c)*, and

25. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

DATED: February 5, 2013

KROHN & MOSS, LTD.

By: /s/Ryan Lee

Ryan Lee
Attorney for Plaintiff